

**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR SAFE HARBOR AGREEMENTS (SHA)**

I. Project Information

A. Project name:

Willamette Valley Native Prairie Habitat Programmatic Safe Harbor Agreement for Fender's blue butterfly (Agreement)

B. Affected species:

Fender's blue butterfly (*Icaricia icarioides fenderi*)
Kincaid's lupine (*Lupinus sulphureus* ssp. *kincaidii*)

C. Project size (in acres):

The geographical area covered by this Agreement includes the range of the Fender's blue butterfly, which occurs on prairie habitat associated with Kincaid's lupine and two other lupine species within the Willamette Valley in Benton, Lane, Linn, Polk and Yamhill Counties of Oregon. We are also including Marion County, because it is possible that Fender's blue butterfly may be discovered or may recolonize or be returned to sites there in the future. Properties that are eligible for enrollment are non-Federal lands where the butterfly occurs or could occur through colonization, translocation or reintroduction. They are almost always found on drier upland prairies. However, one population has been found in wet, Deschampsia-type prairie (Willow Creek). Fender's blue butterflies occupy sites located almost exclusively on the western side of the valley, within 33 km (21 mi) of the Willamette River¹.

Estimates of the remaining native upland prairie in the Willamette Valley area are less than 988 acres (400 hectares). As of the time of its listing under the Endangered Species Act (ESA) in 2000, the Fender's blue butterfly was known to occupy only 32 sites across 408 acres (165 hectares), and Kincaid's lupine was known to occupy 54 known sites across 370 acres (150 hectares). These species are closely associated. Of the 32 sites found to support Fender's blue butterfly, Kincaid's lupine has been documented co-occurring as a larval host plant at 27 of them¹. In 2006, 3,009.7 acres (1,218 hectares) was designated as critical habitat for the Fender's blue butterfly and 584.6 acres (236.5 hectares) was designated for Kincaid's lupine. The majority of the designated acreage is on private lands (66 percent), with the rest being Federal (33 percent) and state and county/city (1 percent)².

¹ U.S. Fish and Wildlife Service. 2000. Endangered Status for "*Erigeron decumbens*" var. "*decumbens*" (Willamette daisy) and Fender's blue butterfly ("*Icaricia icarioides fenderi*") and Threatened Status for "*Lupinus sulphureus*" ssp. "*kincaidii*" (Kincaid's Lupine); Final Rule. Federal Register 65:3875-3890.

² U.S. Fish and Wildlife Service. 2006a. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fender's blue butterfly (*Icaricia icarioides fenderi*), *Lupinus sulphureus* ssp.

Based on the limited extent of remaining prairie habitat, the amount of designated critical habitat in private ownership, and expected landowner interest in supporting recovery efforts and enrolling in the Agreement, a conservative (i.e., high) estimate of the maximum area that will be enrolled under this Agreement during its 15 year term is 1,500 acres. The associated section 10(a)(1)(A) permit is proposed to have a term of 25 years.

D. Brief project description including conservation elements of the plan:

The primary objective of the Agreement is to encourage actions designed to benefit the Fender's blue butterfly and associated species, including Kincaid's lupine, by addressing landowner concerns about their ESA-related regulatory obligations if they engage in conservation and restoration activities that improve conditions for the butterfly on their property. The on-the-ground activities listed below serve as a menu of all activities that are covered under the Agreement. Activities will be chosen selectively and incorporated into site-specific plans as appropriate for each property to be enrolled.

Monitoring: Surveys may be conducted for Fender's blue butterfly and Kincaid's lupine to determine the baseline for the covered species, to monitor responses to management activities, and to assess population health and trends.

Removal of invasive non-native species and woody vegetation: Management and site treatments to control undesirable species may include manual methods, mechanical methods, prescribed fire, herbicide use, solarization and infrared radiation. BMPs have been developed and must be followed for these activities, as applicable, to reduce the risk of impacting non-target species, including Fender's blue butterfly and Kincaid's lupine.

Revegetation: Native plants may be seeded or planted to increase the cover and diversity of native vegetation on a project site, discourage potential spread and establishment of exotic and woody species and improve habitat for Fender's blue butterfly and other associated prairie species.

Collection of Kincaid's lupine seed and plant material: The collection of some leaves, flowers, and seeds from Kincaid's lupine plants found on the enrolled lands may be allowed to support various seed banking, propagation and scientific research efforts designed to benefit the species.

Reintroduction and augmentation of Kincaid's lupine: Kincaid's lupine may be reintroduced to suitable habitats or to augment existing populations on enrolled properties by seeding or planting in order to support its recovery efforts and improve habitat for the Fender's blue butterfly.

Reducing threats: Land use practices and site conditions may be changed to improve conditions for the Fender's blue butterfly, Kincaid's lupine, and other associated species. Opportunities to

Kincaidii (Kincaid's lupine), and *Erigeron decumbens* var. *decumbens* (Willamette daisy); Final Rule. Federal Register 71:63862-63977.

include measures that reduce threats and further improve conditions for listed species will be determined on a site-specific basis using available information, including recovery plans and an understanding of landowner interests and needs.

II. Does the SHA fit the criteria as described in the SHA policy? *Each response should include an explanation.*

A. Are the effects of the SHA less than significant on the rangewide population of federally listed, proposed, or candidate species or other wildlife and their habitats covered under the SHA?

Yes. While we hope that the effects of the Agreement will be significant for the conservation of Fender's blue butterfly and Kincaid's lupine, it is but one of many tools that will be needed to make a significant impact on rangewide conservation and recovery of these species. The Agreement allows for non-Federal landowners within the current or potential range of the Fender's blue butterfly to enroll and participate. Many of the key sites needed to support these species are on Federal lands, which will not be affected by the Agreement. In addition, of the numerous landowners within the geographical area of the Agreement that may be eligible to participate and have something to contribute, it can be expected that only a fraction will enroll under the Agreement due to lack of interest, limited program funding, limited staff time and resources and other factors. Therefore, while we certainly believe the Agreement will provide a beneficial way to leverage more key landowner involvement and make progress toward recovery that otherwise would not likely be possible, it will be but one of many approaches needed to reach rangewide species recovery goals.

B. Are the effects of the SHA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.)?

Yes. The types of activities that will be conducted under the Agreement are primarily designed to maintain or restore native prairie habitat conditions. This will typically involve engaging in management practices that maintain early seral conditions, primarily by reducing encroachment by invasive and woody species and mimicking the effects of fire as a natural disturbance regime. Ground disturbance is expected to be minimal, since heavy earth moving is not typically required for maintaining or improving prairie habitats as described in section 1. D. above. The target species primarily occur on upland prairies, so water quality and quantity should not be affected. In the fall (i.e., mid-August through November), prescribed burns may be performed to discourage woody plant growth, remove accumulated leaf litter and duff, and encourage the spread of native prairie grasses and forbs. However, any projects that involve burning will be appropriately planned and permitted to avoid and minimize any adverse affects on air quality. The proposed activities are not expected to affect environmental, socio-economic or cultural resources or values in any major way.

C. Would the impacts of this SHA, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant? *The same concept is also included in the exception to categorical exclusions, III. F. below.*

The impacts, even considered with other similarly situated projects, are not expected to result in significant cumulative effects to environmental values or resources due to the limited nature of the activities (e.g., very little ground disturbance on the enrolled lands), the limited total area that will be affected overall, and the space between projects over a large geographical area.

III. Do any of the exceptions to categorical exclusions apply to this SHA? (from 516 DM 2.3, Appendix 2) *If the answer is "yes" to any of the questions below, the project can not be categorically excluded from NEPA. Each "no" response should include an explanation.*

Would implementation of the SHA:

A. Have significant adverse effects on public health or safety?

No. Public health and safety should not be affected by the proposed activities.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. Activities that may occur on the enrolled lands are not expected to result in any major ground disturbance that could affect the types of resources listed above. In addition, all enrolled lands will be in non-Federal ownership, so no Federal resource lands that fit the categories above will be affected. The target species primarily occur on upland prairies. On the more rare sites where they may be found to occur in wet prairies, the aim of those projects would be to maintain or enhance wet prairie conditions, so any adverse affects to wetlands and other water-related resources are expected to be negligible. The Service will ensure that all on-the-ground work is in compliance with the National Historic Preservation Act, as is standard practice for all Service programs, so there should be no adverse effects on historic or cultural resources.

C. Have highly controversial environmental effects?

No. Eligible properties typically include pastures, hayland, cropland, vineyards, nurseries, Christmas tree farms, woodlands, and urban and rural areas managed as open spaces or left as remnant habitats. Activities that will occur on the enrolled lands are not expected to affect adjacent properties, and improving native prairie habitat is not expected to change the general character of the landscape in any way that would be controversial. Eligible property owners in

the vicinity of enrolled lands will have the opportunity to participate in the program and enroll in the Agreement if they become interested in supporting recovery efforts, or if they become concerned about benefits to listed species on or near their properties.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. Prairie habitat restoration has been occurring on both public and private lands in the Willamette Valley and elsewhere for many years. While there is still more to be learned about the effectiveness of various techniques, maintaining, managing and restoring these habitats does not pose highly uncertain, unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. As mentioned above, the types of activities that may occur under the Agreement have been occurring for many years and are not uncommon. Establishing an Agreement that will allow landowners to receive ESA assurances for these types of actions where they are expected to benefit listed species and support species recovery efforts is not expected to set a new precedent that could result in potentially significant environmental effects.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. As mentioned above, the impacts of the activities associated with the Agreement, even considered with other similarly situated projects, are not expected to result in significant cumulative effects to environmental values or resources due to the limited nature of the activities (e.g., very little ground disturbance on the enrolled lands), the limited total area that will be affected overall, and the space between projects over a large geographical area.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. Participation and enrollment of lands under the Agreement should have no bearing on properties that are listed or eligible for listing on the National Register of Historic Places.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species? *In making this determination, actions undertaken by the applicant to avoid "take" are not considered mitigation.*

No. Landowners may only enroll in the Agreement only if their activities are expected to result in benefits to listed species. Some short-term adverse affects may occur as activities are implemented, but properties will only be enrolled when it is determined that the long-term benefits greatly outweigh the risks. BMPs are outlined in the Agreement, and will be employed

for the various activities as applicable and appropriate.

It is expected that any enrolled lands that include designated critical habitat will be enhanced to benefit the Fender's blue butterfly and Kincaid's lupine, with a focus on the primary constituent elements that comprise suitable habitat for these species. If any other listed species or critical habitat for other species occurs on the enrolled lands, it is expected that they will benefit as well, as the factors that have led to the decline of listed prairie species in the Willamette Valley have much in common and the remedies are similar. Site-specific plans will be developed for all lands to be enrolled, and they will include measures to meet the needs of both the target species (i.e., Fender's blue butterfly and Kincaid's lupine) as well as other listed species as opportunities arise.

An ESA section 7 consultation will be completed and any "incidental take" will be authorized as needed and appropriate prior to the Agreement taking effect.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. The species that are the focus of the Agreement primarily occur on native upland prairies. If sites are enrolled that include wet prairie habitats, the aim of the project activities would be to maintain or enhance prairie habitat, including any wet prairies that are being utilized by the Fender's blue butterfly or other sensitive species that may occur in the area. Projects implemented under the Agreement will not involve water development. Therefore, activities carried out under the Agreement are not expected to adversely affect wetlands or floodplains.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. Prior to conducting work, all permits will be obtained and regulations will be followed, as applicable.

lands to be enrolled, and they will include measures to meet the needs of both the target species (i.e., Fender's blue butterfly and Kincaid's lupine) as well as other listed species as opportunities arise.

An ESA section 7 consultation will be completed and any "incidental take" will be authorized as needed and appropriate prior to the Agreement taking effect.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. The species that are the focus of the Agreement primarily occur on native upland prairies. If sites are enrolled that include wet prairie habitats, the aim of the project activities would be to maintain or enhance prairie habitat, including any wet prairies that are being utilized by the Fender's blue butterfly or other sensitive species that may occur in the area. Projects implemented under the Agreement will not involve water development. Therefore, activities carried out under the Agreement are not expected to adversely affect wetlands or floodplains.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. Prior to conducting work, all permits will be obtained and regulations will be followed, as applicable.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Willamette Valley Native Prairie Habitat Programmatic Safe Harbor Agreement for Fender's blue butterfly project meets the qualifications for Safe Harbor Agreements whose implementation represents a class of actions that do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents (list):

- Willamette Valley Native Prairie Habitat Programmatic Safe Harbor Agreement for Fender's blue butterfly
- Biological Opinion for the Willamette Valley Native Prairie Habitat Programmatic Safe Harbor Agreement

Concurrence:


Deputy Regional Director

5/26/09
Date